

JUDGE MARRERO

'08 CIV 7038

5-638575

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MAERSK LINE,

Plaintiff,

- against -

ALL AMERICAN SCRAP METAL, INC.,

Defendant.

-----X



Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant ALL AMERICAN SCRAP METAL, INC., in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq.

2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 9300 Arrowpoint Blvd., Charlotte, NC 28273.

3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.

4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's published tariff, all as set forth in Schedule A.

5. Thereafter, the goods were carried to the ports of destination and delivered to the consignee and/or its agents.

6. Plaintiff has performed all duties and obligations required to be performed by plaintiff.

7. Defendant has failed and refused and continues to fail and refuse to remit payment of \$10,384.00, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$10,384.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

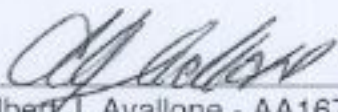
1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendants citing them to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York  
August 4, 2008

LAW OFFICES OF  
ALBERT J. AVALLONE & ASSOCIATES

By   
Albert J. Avallone - AA1679  
Attorneys for Plaintiff  
MAERSK LINE  
551 Fifth Avenue, Suite 1625  
New York, NY 10176  
(212) 696-1760



# **SCHEDULE A**

## **I. Defendant's status & address:**

A. Upon information and belief and at all times hereinafter mentioned, defendant ALL AMERICAN SCRAP METAL, INC. was and still is a corporation organized and existing under the laws of the State of Virginia, with offices and a place of business at 5232 Settlers Park Drive, Virginia Beach, VA 23464, with an agent for service of process, Nelson Lu, at CNP Associates, Inc., 1145 Belvoir Lane, Virginia Beach, VA 23464.

## **II. Details of shipment(s):**

1. Bill of Lading No. 512257210, dated June 21, 2007, from Charlotte to San Shan via Charleston and Hong Kong on the Vessel MAGLEBY MAERSK, five (5) containers MIXED SCRAP METAL, at the applicable tariff/service contract rate of \$8,790.00 (Exhibit A).

Amount Paid: \$0

Amount Due: \$8,790.00

2. Bill of Lading No. 524064693, dated October 29, 2007, from Portland to Huada via Tacoma on the Vessel SINE MAERSK, three (3) containers SCRAP METAL, at the applicable tariff charge of \$3,831.00 (Exhibit B).

Amount Paid: \$2,237.00

Amount Due: \$1,594.00

## **III. Total Amount Due: \$10,384.00**

**EXHIBIT "A"**

\*\*E-MAIL: NANHAIXIANGHAI0126.COM #844071469

MSKU4368059 ML-NONE 20 DRY 8'6 1 BULK 18116 KGS 26 CBM

Shipper Seal : 5654305

MSKU4146792 ML-NONE 20 DRY 8'6 1 BULK 18116 KGS 26 CBM

Shipper Seal : 5654307

MSKU2793594 ML-NONE 20 DRY 8'6 1 BULK 18116 KGS 26 CBM

Shipper Seal : 5654303

SHIPPER'S LOAD, STOW, WEIGHT AND COUNT

THESE COMMODITIES, TECHNOLOGY, OR SOFTWARE WERE EXPORTED FROM THE UNITED STATES IN ACCORDANCE WITH THE EXPORT ADMINISTRATION REGULATIONS.

DIVERSION CONTRARY TO U.S.LAW PROHIBITED.

CY/CY

FREIGHT PREPAID

ALSO NOTIFY: ALL AMERICAN SCRAP METAL INC.

ATTN: CHARLIE

TEL.#757-4725888, FAX.#757-2267946

Freight & Charges	Rate	Unit	Currency	Prepaid	Collect
Intermodal Fuel Surcharge	130.00	Per Container	USD	260.00	
Intermodal Fuel Surcharge	130.00	Per Container	USD	130.00	
Manual Documentation Proce	25.00	Per Bill of Lading	USD	25.00	
Carrier Security Charge	6.00	Per Container	USD	12.00	
Carrier Security Charge	6.00	Per Container	USD	6.00	
Total CNY			CNY		125.00
Total USD			USD	3831.00	

**BALANCE DUE**  
**\$ 1,594.00**